

There are a total of eleven Civil War related monuments and markers located on City property that were identified by the City Council's 2017 inventory. A question has been posed regarding the ability and mechanism for the removal of the eleven listed items based on their historic significance, if any. This memorandum addresses that question.

Sites, structures and monuments in Jacksonville can be either nationally or locally recognized as having historic significance. National listing of a site, structure or monument identifies that the particular site, structure or monument has historic significance but does not create any regulatory barriers to the alteration or removal of such site, monument or structure. Local designation of a landmark or historic district is done pursuant to Chapter 307, Jacksonville Ordinance Code, which outlines the process for designation, the regulations applicable to historically designated sites, and the method and review for alterations to or removal of the historic site, monument or structure.

Pursuant to Sections 307.103, .104 and .105, Ordinance Code, local historic designation is done through City Council legislative action, which includes a review of the proposed site, structure or monument and concludes with a determination regarding the level of historic significance of the proposed site, structure or monument. Once a site has been deemed to meet the requisite criteria to merit local historic designation, such site is then awarded local regulatory protection against unauthorized or improper alteration, destruction or removal. However, Chapter 307, Ordinance Code includes a mechanism whereby historic sites, structures or monuments can, in fact, be altered or removed.

Out of the eleven identified monuments and markers, eight are markers that commemorate locations where historic events occurred, but the markers, themselves, are not historic. None of the markers has been locally designated as being historic; and therefore there are no historic regulatory barriers that would limit the City's ability to remove them.

The three monuments that the Council identified in its 2017 inventory include the Civil War soldier monument in Hemming Plaza, the Monument to the Women of the Southland (Monument to the Women of the Confederacy) located in Confederate Park and the Old City Cemetery grandstand. The Hemming Plaza monument does not have local historic protections. In 2016-559-W, the City Council considered whether it wanted to designate the Confederate soldier statue as a local monument; however, that legislation was withdrawn on March 14, 2017. As such, there are no historic regulations that would prevent its removal.

In 1992, the City Council established the local historic district of Springfield, which included Confederate Park. The structures and monuments in Confederate Park were identified as being contributing structures in the historic district, and the Monument to the Women of the Southland (Monument to the Women of the Confederacy) was specifically identified as being included in the designation. As such, this monument has special historic protections under Chapter 307, Ordinance Code.

In 2010, the City Council established the Old City Cemetery as a locally protected historic landmark. Within the designation legislation, the Old City Cemetery grandstand was specifically identified as contributing to the historic elements of the site. As such, this monument has special historic protections under Chapter 307, Ordinance Code.

Section 307.106, Ordinance Code specifies that landmark sites and contributing structures in a historic district can be altered or demolished/removed. Any alteration or work on a landmark or contributing structure must be done pursuant to an approved certificate of use. An application must be made with the Planning and Development Department, which describes the proposed work on the historic structure. The application will be reviewed by the Jacksonville Historic Preservation Commission, which may grant or deny the application. Denials may be appealed to the City Council.

In considering an application for certificate of appropriateness for demolition, the Commission shall consider the applicable Historic District Design Regulations, if any, and the following additional criteria:

- (1) The historic or architectural significance of the building or structure;
- (2) The importance of the building or structure to the ambience of the historic district;
- (3) The difficulty or the impossibility of reproducing such a building or structure because of its design, texture, material, detail or unique location;
- (4) Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, the County or the region;
- (5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect of those plans on the character of the surrounding area would be;
- (6) The difficulty or the impossibility of saving the building or structure from collapse;
- (7) Whether the building or structure is capable of earning reasonable economic return on its value;
- (8) Whether there are other feasible alternatives to demolition;
- (9) Whether the property no longer contributes to an historic district or no longer has significance as an historic, architectural or archaeological landmark; and
- (10) Whether it would be undue economic hardship to deny the property owner the right to demolish the building or structure.

Simply because the Monument to the Women of the Southland (Monument to the Women of the Confederacy) and the Old City Cemetery grandstand were granted protections as locally significant historic structures does not prohibit the City from removing them. Because the City Council legislatively established that these two monuments are protected, the removal of that protection must also be done legislatively – namely the certificate of appropriateness process outlined in section 307.106, Ordinance Code.